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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,830	07/13/2000	Charles T. Shotton JR.	J522-006 US	6757

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HUNTON & WILLIAMS LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20006-1109

EXAMINER
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BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/615,830	<b>Applicant(s)</b> SHOTTON ET AL. 	
	<b>Examiner</b> Lewis A. Bullock, Jr.	<b>Art Unit</b> 2127	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 7-35 is/are pending in the application.
- 4a) Of the above claim(s) 25-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7-24 and 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9, 8, 5, 2/03; 6, 4/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of Draftperson's Review. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Election/Restrictions***

2. Applicant's election with traverse of Group I, claims 1, 7-24 and 31-35 in the reply filed on 7/2/04 is acknowledged. The traversal is on the ground(s) that the claims are similar performing the function of retrieving changing target content from a remote target source and therefore would not be a serious burden on the examiner. This is not found persuasive because the claims are not performing the same function. Claims 1, 7-24 and 31-35 deal with the retrieving of changing target content from a remote target source. Claims 25-30 do not deal with the act of retrieving changing target content as the other claims, but the act of constructing of an agent to retrieve data. Claims 25-30 recite limitations of identifying the type of agent being built, and generating and storing a set of program instructions for retrieving target source and locating target content structure. The cited claims also detail an act of verifying the accuracy of the stored

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instructions and information on the local computer. Group I does not allude to or is detailed toward the make up of the agent, as long as it is capable of retrieving target content data from a remote computer. Group II is more concern with the make-up of the agent and therefore is restricted from Group I.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 7, 15 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by MEUNIER (U.S. Patent 6,681,369).

As to claim 1, MEUNIER teaches a software agent (document change monitoring agent) executable on a local computer (recommender system / system storing agent) for retrieving a changing target content (changing document / region of document that has changed) from a target source (repository) on a remote computer (HTTP server / document management systems) (col. 3, line 59 – col. 4, line 9; col. 5, lines 15-57; col. 6, lines 27-40), comprising: means for retrieving data (document / region of document) from a target source on a remote computer (col. 5, lines 29-47), program instructions for

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identifying a predefined structural location of target content (via submitted region to monitor / list of keywords submitted by user) located within a version of data retrieved from the target source, the predefined structural location based upon a structural location of target content identified in a previous version of data retrieved from the target source (monitoring agent monitors the document based upon the periodicity of the check submitted by the user, to detect changes of the document) (col. 5, lines 29-47); and an agent engine executing the program instructions to retrieve potentially changing target content from the target source (monitoring agent notifies the user about the change) (col. 5, lines 29-56).

As to claim 15, MEUNIER teaches a method for retrieving a target content (region of document that has changed) from a remote computer (HTTP server / document management systems) (col. 3, line 59 – col. 4, line 9; col. 5, lines 15-57; col. 6, lines 27-40), the method comprising: providing a software application (recommender system) having at least one autonomous agent (document change monitoring agent), each autonomous software agent comprising routines (col. 7, line 53 – col. 9, line 17), an agent information describing the structural location of a target content (reference to a document's content) within a target document (col. 7, line 53 – col. 9, line 17), and an agent engine to execute the routines and apply agent information to download a dynamically changing target document from a remote computer, locate a changing target content within the target document, extract the located target content (via retrieving changed document), reformat the extracted target content into a common

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format (via parsing the document), and store the target content on the local computer (col. 5, lines 29-56; col. 8, lines 56-17).

As to claim 31, MEUNIER teaches a method for downloading a dynamically changing target document (document having a region that changes) from a remote computer (HTTP server / document management systems) to a local computer (computer storing agent) and locating and extracting a target content (changed region) from the target document (document) (col. 3, line 59 – col. 4, line 9; col. 5, lines 15-57; col. 6, lines 27-40), the method comprising the steps of: downloading a target document from a remote computer (col. 5, lines 29-47), and further characterized by the steps of: identifying a target content within the target document (via submitted region to monitor / list of keywords submitted by user) (col. 5, lines 29-47); parsing the target document to determine a structural location of the target content in the target document (via parsing the document) (col. 9, lines 6-8); storing a description of the structural location of the target content as agent information (via the agent specification storing a reference to a document's content) (col. 7, line 53 – col. 9, line 17); downloading a subsequent version of the target document from the remote computer and locating the structural location of the target content within the target document using the agent information (via the monitoring agent monitors the document based upon the periodicity of the check submitted by the user, to detect changes of the document) (col. 5, lines 29-47); and retrieving the target content within the subsequent version of the target document (monitoring agent notifies the user about the change) (col. 5, lines 29-56).

As to claim 7, MEUNIER teaches the data is a web page structure (part of online document / content of web page) and the program instructions comprises algorithms for parsing the data retrieved from the target source structure to find the target content (col. 9, lines 6-8; col. 5, lines 16-20; col. 3, line 62 – col. 4, line 9).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over MEUNIER (U.S. Patent 6,681,369).

As to claims 32-35, MEUNIER teaches identifying target content by identifying a region in a document to monitor (col. 5, lines 25-28). MEUNIER also teaches that the documents are web page documents (col. 3, line 59 – col. 4, line 9). Official Notice is taken in that it is well known in the art that web page documents are HTML documents and have a start marker and an end marker to delimit constructs or sub-constructs within an HTML document. Therefore, it would be obvious to one skilled in the art at the time of the invention that in order to denote a region in a web page document to monitor wherein the web page is an HTML document, the start marker and end marker are submitted.

7. Claims 8-14 and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over MEUNIER (U.S. Patent 6,681,369) in view of SHKLAR (U.S. Patent 6,253,239).

As to claim 8, MEUNIER teaches a locally executing software application (recommender system) for retrieving and arranging target content (changing document / region of document that has changed) from a target source (repository) on a remote computer (HTTP server / document management systems) on to a local computer (system storing recommender and agent) (col. 3, line 59 – col. 4, line 9; col. 5, lines 15-57; col. 6, lines 27-40; col. 6, line 42-56; col. 10, lines 23-29), the software application comprising: at least one agent (document change monitoring agent) having information describing a predefined structural location (via submitted region to monitor / list of keywords submitted by user) of a target content (region of document) within a target document (requested document) (col. 5, lines 29-47) and an agent engine for executing program instructions using the agent information to download a dynamically changing target document from a remote computer, locate a changing target content within the target document, extract the located target content (via retrieving changed document), reformat the extracted target content into a common format (via parsing the document), and store the target content on the local computer (col. 5, lines 29-56; col. 8, lines 56-17). However, MEUNIER does not teach a publication template.

SHKLAR teaches an agent communicating with other agents for retrieving changing document data (col. 5, lines 19-33; col. 10, lines 29 – col. 11, line 64) and at



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least one publication template (template) for arranging the retrieved, stored target content for display on the local computer (col. 12, line 52 – col. 13, line 5). Therefore, it would be obvious to one skilled in the art at the time of the invention to combine the teachings of MEUNIER with the teachings of SHKLAR in order to facilitate display of stored data in an enhanced and/or customized format regardless the formatting of the stored data (col. 1, line 66 – col. 2, line 10).

As to claims 9-11, SHKLAR teaches a web browser display window capable of displaying the target content as arranged by the publication templates (templates / security levels of various users) (col. 12, line 52 – col. 13, line 5; fig. 10, 11; col. 3, lines 27-36) and a plurality of agents (agents) (col. 10, lines 29 – col. 11, line 64).

As to claim 12, MEUNIER teaches scheduling means for executing the at least one agent on a periodic schedule (monitoring agent monitors the document based upon the periodicity of the check submitted by the user, to detect changes of the document) (col. 5, lines 29-47).

As to claims 13 and 14, MEUNIER teaches parsing means for determining the location of the target content comprises agent information having target content source structure information and algorithms (via fetch document / parse / characterize functions) to find a target document structure containing the target content (col. 9, lines 6-8; col. 5, lines 16-20; col. 3, line 62 – col. 4, line 9).

As to claims 16-22, MEUNIER substantially discloses the invention above. However, MEUNIER does not teach a displaying the target content by using a publication template.

SHKLAR teaches an agent communicating with other agents for retrieving changing document data (col. 5, lines 19-33; col. 10, lines 29 – col. 11, line 64) and at least one publication template (template) for arranging the retrieved, stored target content for display on the local computer (col. 12, line 52 – col. 13, line 5; fig. 10, 11; col. 3, lines 27-36). Refer to claim 8 for the motivation to combine.

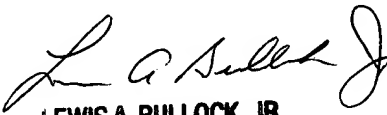
As to claims 23 and 24, MEUNIER teaches parsing the target document and locating a structure within the parsed target matching the structural location information in the agent information by applying a plurality of algorithms (via fetch document / parse / characterize functions) (col. 9, lines 6-8; col. 5, lines 16-20; col. 3, line 62 – col. 4, line 9).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm. In late-October, the examiner can be reached on (571) 272-3759.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. In late-October, the examiner's supervisor can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER

October 14, 2004